

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

---

ARLINGTON INDUSTRIES, INC.,	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.: 3:16-cv-00069-MEM
	)	
PLY GEM INDUSTRIES, INC.,	)	Honorable Malachy E. Mannion
MASTIC HOME EXTERIORS, INC.	)	
d/b/a MASTIC HOME EXTERIORS	)	
BY PLY GEM, NAPCO, INC. d/b/a	)	Jury Trial Demanded
NAPCO BY PLY GEM, and	)	
VARIFORM, INC. d/b/a PLY GEM	)	
SIDING GROUP and/or d/b/a	)	
VARIFORM BY PLY GEM,	)	
	)	
Defendants.	)	
	)	

---

**JOINT MOTION TO DISMISS**

Plaintiff Arlington Industries, Inc. and Defendants Ply Gem Industries, Inc.,  
Mastic Home Exteriors, Inc. d/b/a Mastic Home Exteriors by Ply Gem, Napco, Inc.  
d/b/a Napco by Ply Gem, and Variform, Inc. d/b/a Ply Gem Siding Group and/or  
d/b/a Variform by Ply Gem (collectively “the Parties”) jointly move this Court to  
dismiss all claims and counterclaims raised in this action.

WHEREAS, the Parties have reached a final Settlement Agreement and  
Release in this action;

WHEREAS, the Parties have agreed to jointly dismiss all claims, counterclaims and affirmative defenses with prejudice, pursuant to the terms of the parties' Settlement Agreement and Release, with each party bearing its own costs and attorneys' fees.

The Parties respectfully request that the Court issue the Order of Dismissal attached to this joint motion to dismiss.

Dated: October 25, 2016

Respectfully Submitted,

By: /s/ Kathryn L. Clune  
Kathryn L. Clune (*pro hac vice*)  
Ali Tehrani (*pro hac vice*)  
Crowell & Moring LLP  
1001 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2595  
Telephone: (202) 624-2500  
Fax: (202) 628-5116  
kclune@crowell.com  
atehrani@crowell.com

Jacob Z. Zambrzycki (*pro hac vice*)  
Crowell & Moring LLP  
590 Madison Avenue, 20th Floor  
New York, NY 10022  
Telephone: (212) 223-4000  
Fax: (212) 223-4134  
jzambrzycki@crowell.com

Respectfully Submitted,

By: /s/ Robert C. Van Arnam  
Robert C. Van Arnam  
Andrew R. Shores  
Williams Mullen, P.C.  
P.O. Drawer 1000  
Raleigh, NC 27602-1000  
Telephone: (919) 981-4000  
Fax: (919) 981-4300  
rvanarnam@williamsmullen.com  
ashores@williamsmullen.com

Joshua B. Brady  
Williams Mullen, P.C.  
8300 Greensboro Drive, Suite 1100  
Tysons Corner, VA 22102  
Telephone: (703) 760-5249  
Fax: (703) 748-0244  
jbrady@williamsmullen.com

Robert J. Tribeck (PA ID No. 74486)  
Amanda J. Lavis (PA ID No. 308956)  
Rhoads & Sinon LLP  
One South Market Square  
Harrisburg, PA 17108-1146  
Telephone: (717) 862-4534  
Fax: (717) 238-8623  
[rtribeck@rhoads-sinon.com](mailto:rtribeck@rhoads-sinon.com)  
[alavis@rhoads-sinon.com](mailto:alavis@rhoads-sinon.com)

*Attorneys for Plaintiff  
Arlington Industries, Inc.*

Timothy P. Polishan  
Kelley, Polishan & Solfanelli, LLC  
259 South Keyser Avenue  
Old Forge, PA 18518  
Telephone: (570) 562-4520  
Fax: (570) 562-4531  
[tpolishan@kpwslaw.com](mailto:tpolishan@kpwslaw.com)

*Attorneys for Defendants Ply Gem  
Industries, Inc., Mastic Home Exteriors,  
Inc., and Variform, Inc.*

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 25<sup>th</sup> day of October 2016, a true and correct copy of the foregoing document was served via the Court's CM/ECF system and by e-mail to:

Timothy P. Polishan  
Kelley, Polishan & Solfanelli, LLC  
259 South Keyser Avenue  
Old Forge, PA 18518  
Telephone: (570) 562-4520  
Fax: (570) 562-4531  
[tpolishan@kpwslaw.com](mailto:tpolishan@kpwslaw.com)

Robert C. Van Arnam  
Andrew R. Shores  
Williams Mullen, P.C.  
P.O. Drawer 1000  
Raleigh, NC 27602-1000  
Telephone: (919) 981-4000  
Fax: (919) 981-4300  
[rvanarnam@williamsmullen.com](mailto:rvanarnam@williamsmullen.com)  
[ashores@williamsmullen.com](mailto:ashores@williamsmullen.com)

Joshua B. Brady  
Williams Mullen, P.C.  
8300 Greensboro Drive, Suite 1100  
Tysons Corner, VA 22102  
Telephone: (703) 760-5249  
Fax: (703) 748-0244  
[jbrady@williamsmullen.com](mailto:jbrady@williamsmullen.com)

*Attorneys for Defendants Ply Gem Industries, Inc.,  
Mastic Home Exteriors, Inc., and Variform, Inc.*

/s/ April Marconi  
April Marconi